FISH & RICHARDSON P.C.

Michael Headley (CSB No. 220834)
headley@fr.com
500 Arguello Street, Suite 500
Redwood City, CA 94063
Tel: (650) 839-5070 Fax: (650) 839-5071

Of Counsel:

Christopher O. Green
cgreen@fr.com
Thad C. Kodish
tkodish@fr.com
Noah C. Graubart
graubart@fr.com
Erin Alper
alper@fr.com
Lawrence Jarvis
jarvis@fr.com
1180 Peachtree Street, 21st Floor
Atlanta, GA 30309
Tel: (404) 892-5005 Fax: (404) 892-5002

Attorneys for Plaintiff
ARRIS ENTERPRISES LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ARRIS ENTERPRISES LLC Plaintiff, v. SONY CORPORATION; SONY CORPORATION OF AMERICA; SONY ELECTRONICS INC.; SONY INTERACTIVE ENTERTAINMENT, INC.; SONY INTERACTIVE ENTERTAINMENT LLC; SONY INTERACTIVE ENTERTAINMENT AMERICA LLC; SONY MOBILE COMMUNICATIONS (USA), INC. Defendants.	Case No. **COMPLAINT FOR PATENT INFRINGEMENT** **JURY TRIAL DEMANDED**

Plaintiff ARRIS Enterprises LLC ("ARRIS"), by and through its attorneys, Fish & Richardson P.C., brings this complaint against Sony Corporation; Sony Corporation of America; Sony Electronics Inc.; Sony Interactive Entertainment, Inc.; Sony Interactive Entertainment LLC; Sony Interactive Entertainment America LLC; and Sony Mobile Communications (USA), Inc., (collectively, "Defendants" or "Sony"). In support thereof, ARRIS alleges the following:

NATURE OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 et seq., specifically including 35 U.S.C. § 271.

THE PARTIES

2. ARRIS is a corporation organized under the laws of the State of Delaware, with a principal place of business at 3871 Lakefield Drive, Suwanee, Georgia 30024.

3. Sony Corporation is a corporation organized under the laws of Japan. Sony Corporation may be served at its principal place of business at 1-7-1 Konan Minato-ku, Tokyo, 108-0075 Japan.

4. Sony Corporation of America is a corporation organized under the laws of the State of New York, with headquarters located at 25 Madison Ave., New York, NY, 10010-8601.

5. Sony Electronics Inc. is a corporation organized under the laws of the State of Delaware with a principal place of business located at 16535 Via Esprillo, San Diego, CA 92127. Sony Electronics Inc. may be served through its registered agent for service, Corporation Service Company, d/b/a CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Dr., Ste. 150N, Sacramento, CA 95833.

6. Sony Interactive Entertainment, Inc., is a corporation organized under the laws of Japan, with headquarters located in Japan. Sony Interactive Entertainment, Inc. may be served at its principal place of business at 1-7-1 Konan Minato-ku, Tokyo, 108-0075 Japan.

7. Sony Interactive Entertainment LLC is a limited liability company organized under the laws of the State of California, with a principal place of business at 2207 Bridgepointe Pkwy., San Mateo, CA 94404. Sony Interactive Entertainment LLC may be served through its registered

agent for service, Corporation Service Company, d/b/a CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Dr., Ste. 150N, Sacramento, CA 95833.

8. Sony Interactive Entertainment America LLC is a limited liability company organized under the laws of the State of Delaware, with a principal place of business at 2207 Bridgepointe Pkwy., San Mateo, CA 94404. Sony Interactive Entertainment America LLC may be served through its registered agent for service, Corporation Service Company, d/b/a CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Dr., Ste. 150N, Sacramento, CA 95833.

9. Sony Mobile Communications (USA), Inc., f/k/a Sony Ericsson Mobile, is a corporation organized under the laws of the State of Delaware, with its principal place of business located at 2207 Bridgepointe Pkwy, San Mateo, CA, 94404, USA. Sony Mobile Communications (USA), Inc. may be served through its registered agent for service, Capitol Corporate Services, Inc., 455 Capitol Mall Complex, Ste. 217, Sacramento, CA 95814

JURISDICTION AND VENUE

10. ARRIS hereby restates and re-alleges the allegations set forth in paragraphs 1 through 9 above as if fully set forth herein.

11. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 (jurisdiction over federal questions) and 28 U.S.C. § 1338(a) (jurisdiction over civil actions arising under any Act of Congress relating to patents).

12. Sony Corporation; Sony Corporation of America; Sony Electronics Inc.; Sony Interactive Entertainment, Inc.; Sony Interactive Entertainment LLC; Sony Interactive Entertainment America LLC; and Sony Mobile Communications (USA), Inc. transact and conduct business in this District and the State of California, and are subject to the personal jurisdiction of this Court.

13. For example, the Court has at least general personal jurisdiction over Sony Electronics Inc. because its principal place of business is in San Diego, California.

14. By way of further example, the Court has at least general personal jurisdiction over Sony Interactive Entertainment LLC because Sony Interactive Entertainment LLC is organized

under the laws of the State of California and has its principal place of business in San Mateo, California.

15. By way of further example, the Court has at least general personal jurisdiction over Sony Interactive Entertainment America LLC because its principal place of business is in San Mateo, California.

16. By way of further example, the Court has at least general personal jurisdiction over Sony Mobile Communications (USA), Inc. because its principal place of business is in San Mateo, California.

17. By way of further example, the Court has at least specific personal jurisdiction over Sony Corporation pursuant to due process and the California Long Arm Statute, due at least to its continuous business contacts in the State of California and in this District, including committing acts of patent infringement within the State of California and this District, as alleged below. Sony Corporation has also purposefully directed its business activities to this State and this District. Sony Corporation directly or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and advertises its products infringing the asserted patents, described below, in the United States, the State of California, and this District. Sony Corporation also aids, abets, or contributes to the infringement of third parties in this District.

18. By way of further example, the Court has specific personal jurisdiction over Sony Corporation of America pursuant to due process and the California Long Arm Statute, due at least to its continuous business contacts in the State of California and in this District, including committing acts of patent infringement within the State of California and this District, as alleged below. Sony Corporation of America has also purposefully directed its business activities to this District. Sony Corporation of America, directly or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and advertises its products infringing the asserted patents, described below, in the United States, the State of California, and this District. Sony Corporation of America also aids, abets, or contributes to the infringement of third parties in this District.

19. By way of further example, the Court has at least specific personal jurisdiction over Sony Interactive Entertainment, Inc. pursuant to due process and the California Long Arm Statute, due at least to its continuous business contacts in the State of California and in this District, including committing acts of patent infringement within the State of California and this District, as alleged below. Sony Interactive Entertainment, Inc. has also purposefully directed its business activities to this State and this District. Sony Interactive Entertainment, Inc., directly or through intermediaries (including distributors, retailers, and others) ships, distributes, offers for sale, sells, and advertises its products infringing the asserted patents, described below, in the United States, the State of California, and this District. Sony Interactive Entertainment, Inc. also aids, abets, or contributes to the infringement of third parties in this District.

20. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and/or 1400.

THE PATENTS-IN-SUIT

21. U.S. Patent No. 6,473,858 ("the '858 patent"), titled "Method and Apparatus for Broadcasting Data with Access Control" was issued by the United States Patent and Trademark Office on October 29, 2002. ARRIS Enterprises LLC is the owner by assignment of the entire right, title, and interest in and to the '858 patent, including the sole and undivided right to sue for infringement and collect damages for past and future infringement. A true and correct copy of the '858 patent is attached hereto as Exhibit A.

22. U.S. Patent No. 6,934,148 ("the '148 patent"), titled "Electronic Chassis and Housing Having an Integrated Forced Air Cooling System," was issued by the United States Patent and Trademark Office on August 23, 2005. ARRIS Enterprises LLC is the owner by assignment of the entire right, title, and interest in and to the '148 patent, including the sole and undivided right to sue for infringement and collect damages for past and future infringement. A true and correct copy of the '148 patent is attached hereto as Exhibit B.

23. U.S. Patent No. 6,944,880 ("the '880 patent"), which is titled "Methods for Audio Capture and Communication During Television Broadcasts," was issued by the United States Patent and Trademark Office on September 13, 2005. ARRIS Enterprises LLC is the owner by assignment of the entire right, title, and interest in and to the '880 patent, including the sole and undivided right

to sue for infringement and collect damages for past and future infringement. A true and correct copy of the ’880 patent is attached hereto as Exhibit C.

24. U.S. Patent No. 7,752,564 (“the ’564 patent”), titled “System and Method for Focused Navigation Using Option Type Filters,” was issued by the United States Patent and Trademark Office on July 6, 2010. ARRIS Enterprises LLC is the owner by assignment of the entire right, title, and interest in and to the ’564 patent, including the sole and undivided right to sue for infringement and collect damages for past and future infringement. A true and correct copy of the ’564 patent is attached hereto as Exhibit D.

25. U.S. Patent No. 9,521,466 (“the ’466 patent”), titled “Method and Device for Receiving and Providing Programs,” was issued by the United States Patent and Trademark Office on December 13, 2016. ARRIS Enterprises LLC is the owner by assignment of the entire right, title, and interest in and to the ’466 patent, including the sole and undivided right to sue for infringement and collect damages for past and future infringement. A true and correct copy of the ’466 patent is attached hereto as Exhibit E.

26. The ’858 patent, ’148 patent, ’880 patent, ’564 patent, and the ’466 patent are herein collectively referred to as the “Patents-in-Suit.”

FACTUAL BACKGROUND

ARRIS IS A GLOBAL INNOVATOR IN VIDEO TECHNOLOGY

27. ARRIS is a global innovator in IP, video and broadband technology, and in particular, the development of equipment for video delivery and devices for displaying video. ARRIS’s innovations combine hardware, software, and services across the cloud, network, and home to power TV and Internet. Specifically, ARRIS develops, manufactures, and sells end-to-end equipment solutions for video delivery and display (*e.g.*, content delivery and acquisition, video infrastructure, delivery networks, and end user devices) that are purchased by various enterprises, which in turn offer television, video, broadband, and/or wireless Internet service, to their customers or use it internally in their businesses.

SONY’S INFRINGING PRODUCTS

28. The accused Sony products include, but are not limited to:

(a) Sony televisions, such as, *e.g.*, Sony's XBR-Z9D series, A1E series, XBR-X930E – X940E series, XBR-X900E series, XBR-850E series, XBR-X800E series, XBR-X940d-X930D series, XBR-X850D series, XBR-X800D series (including, e.g., the XBR43X800D Android TV), and XBR-X750D – X700D series ("Accused Sony TVs"), including for some asserted patents a subset of the Accused Sony TVs that Sony brands as "Android TVs," *e.g.*, Sony's XBR-Z9D series, XBR-X930E – X940E series, XBR-X900E series, XBR-850E series, XBR-X800E series, XBR-X940d-X930D series, XBR-X850D series, XBR-X800D series (including, e.g., the XBR43X800D Android TV), and XBR-X750D – X700D series ("Accused Sony Android TVs").

(b) Sony gaming consoles, such as Sony's PlayStation 4 (slim) (*e.g.*, CUH-2015A) and PS4 Pro (*e.g.*, CUH-7015B) ("Accused Sony PlayStations"); and

(c) Sony network-enabled Blu-Ray/DVD players, such as UBP-X800, BDP-S7200, BDP-S6500, and BDP-S5500 ("Accused Sony Blu-Ray/DVD players") (collectively, "Accused Products").

29. As described in more detail below, the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players infringe at least claims 29, 33-39, and 42-43 of the '858 patent.

30. As described in more detail below, the Sony PlayStation 4 (slim) infringes at least claims 1, 2, and 4 of the '148 patent.

31. As described in more detail below, certain of the Accused Sony TVs infringe at least claims 1-6 and 8-22 of the '564 patent.

32. As described in more detail below, the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players infringe at least claims 1-5, 7, 8, 12, and 15-17 of the '466 patent.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,473,858

33. ARRIS hereby restates and re-alleges the allegations set forth in paragraphs 1 through 32 above as if fully set forth herein.

34. The '858 patent generally relates to the field of digital communication transmission with privacy and access control features. In one exemplary embodiment of the invention, the '858

patent describes "a receiver constructed to receive the digital broadcast signal," wherein the receiver decrypts and distributes the data in multicast IP form on a LAN to client systems. *See, e.g.*, '858 patent at 4:6-27.

35. Sony infringes one or more claims of the '858 patent, either literally or under the doctrine of equivalents, including at least claims 29, 33-39, and 42-43. Sony makes, uses, sells, offers to sell, and/or imports into the United States the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players, which meet each and every limitation of at least claims 29, 33-39, and 42-43 of the '858 patent, without ARRIS's license or authority. Non-limiting examples of such infringement are provided below, based on the limited information currently available to ARRIS.

36. On information and belief, the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players satisfy each and every limitation of at least claims 29, 33-39, and 42-43. An exemplary claim chart applying claim 29 of the '858 patent to an exemplary Accused Sony Android TV (filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit F and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony Android TVs infringe claim 29.

37. As an additional example, an exemplary claim chart applying claim 29 of the '858 patent to an exemplary Accused Sony PlayStation(filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit G and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony PlayStations infringe claim 29.

38. As an additional example, an exemplary claim chart applying claim 29 of the '858 patent to an exemplary Accused Sony DVD/Blu-Ray Player (filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit H and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony DVD/Blu-Ray Players infringe claim 29.

39. In view of the foregoing, the Accused Sony Android TVs (such as, *e.g.*, XBR43X800D), Accused Sony PlayStation 4s (such as, *e.g.*, PlayStation 4 Slim and PS4 Pro models), and Accused Sony Blu-Ray/DVD players (such as, *e.g.*, UBP-X800 and BDP-S7200) infringe the ’858 patent both directly and indirectly. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players directly infringe at least claims 29, 33-39, and 42-43 of the ’858 patent.

40. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players indirectly infringe at least claims 29, 33-39, and 42-43 of the ’858 patent, because Sony’s manufacture, use, sale, offer for sale, and/or importation into the United States actively induces infringement within the United States. For example, Sony encourages, facilitates, instructs, aids and/or abets its customers and/or end users to use one or more of the Accused Sony Android TVs, Accused Sony PlayStations, and/or Accused Sony Blu-Ray/DVD players in an infringing manner. Sony’s active inducement of infringement of at least claims 29, 33-39, and 42-43 of the ’858 patent includes, *e.g.*, actively and knowingly aiding and abetting persons and/or entities (including Sony’s customers and/or end-users) through activities such as marketing the Accused Products and/or creating and/or distributing instruction materials on the use of Accused Products, with the specific intent to induce others to use, sell, offer for sale the Accused Products for use with Sony’s PlayStation Vue service and/or a Netflix application. For example, Sony’s marketing literature touts the benefits of using Sony’s Accused Products to access PlayStation Vue and/or a Netflix application, and such use falls within the scope of at least claims 29, 33-39, and 42-43 of the ’858 patent.

41. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players also infringe at least claims 29, 33-39, and 42-43 of the ’858 patent contributorily, because they are especially made or especially adapted for infringement thereof, and are not staple articles or commodities of commerce suitable for noninfringing use.

42. On information and belief, the ’858 patent was brought to Sony’s attention during prosecution of Sony’s own patents (U.S. Patent Nos. 9,446,305 and 9,420,283; U.S. Application

No. US20090119379). Sony has continued its infringement of the ’858 patent with full knowledge of that infringement.

43. Alternatively, Sony has knowledge of the ’858 patent at least as of filing and/or service of this complaint. Since at least as early as the filing and/or service of this complaint, Sony’s infringement has been willful.

44. Despite Sony’s knowledge of and notice of the ’858 patent and its ongoing infringement, Sony continues to manufacture, use, sell, offer for sale, and/or import the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players in a manner that infringes the ’858 patent, and continues to produce and disseminate promotional and marketing materials, supporting materials, instructions, and/or technical information related to the infringing aspects of the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players. Sony lacks a justifiable belief that it does not infringe the ’858 patent, or that the ’858 patent is invalid, and has acted recklessly in its infringing activity, justifying an increase in the damages to be awarded ARRIS up to three times the amount found or assessed, in accordance with 35 U.S.C. § 284.

45. At least Sony’s willful infringement of the ’858 patent renders this case an exceptional case, justifying an award to ARRIS of its reasonable attorneys’ fees, in accordance with 35 U.S.C. § 285.

46. ARRIS has no adequate remedy at law for Sony’s acts of infringement. As a direct and proximate result of Sony’s acts of infringement, ARRIS has suffered and continues to suffer damages and irreparable harm. Unless Sony’s acts of infringement are enjoined by this Court, ARRIS will continue to be damaged and irreparably harmed.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,934,148

47. ARRIS hereby restates and re-alleges the allegations set forth in paragraphs 1 through 46 above as if fully set forth herein.

48. The ’148 patent generally relates to cooling systems for electronics chassis and housings. *See, e.g.*, ’148 patent at 2:7-17. In one exemplary embodiment of the invention, the ’148 patent describes the path of intake air flowing into the chassis, and how baffle placement can cause

the intake air to progress along a non-linear horizontal path on its way to the centrifugal blower. *See*, *e.g.*, ’148 patent at 3:25-47.

49. Sony infringes one or more claims of the ’148 patent, either literally or under the doctrine of equivalents, including at least claims 1, 2, and 4. Sony makes, uses, sells, offers to sell, and/or imports into the United States the Sony PlayStation 4 (slim), which meets each and every limitation of at least claims 1, 2, and 4 of the ’148 patent, without ARRIS’s license or authority. Non-limiting examples of such infringement are provided below, based on the information currently available to ARRIS.

50. On information and belief, Sony’s PlayStation 4 (slim) satisfies each and every limitation of at least claims 1, 2, and 4. An exemplary claim chart applying claim 1 of the ’148 patent to Sony’s PlayStation 4 (slim) product (filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit I and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony PlayStation 4 (slim) infringes claim 1.

51. In view of the foregoing, Sony directly infringes at least claims 1, 2, and 4 of the ’148 patent by making, using, selling, offering for sale, and importing into the United States Accused Sony PlayStations, such as, *e.g.*, the Sony PlayStation 4 (slim).

52. Sony has knowledge of the ’148 patent at least as of filing and/or service of the complaint. Since at least as early as the filing and/or service of this complaint, Sony’s infringement has been willful.

53. Despite Sony’s knowledge of and notice of the ’148 patent and its ongoing infringement, Sony continues to manufacture, use, sell, offer for sale, and/or import Accused Sony PlayStation 4 (slim) products. Sony lacks a justifiable belief that it does not infringe the ’148 patent, or that the ’148 patent is invalid, and has acted recklessly in its infringing activity, justifying an increase in the damages to be awarded ARRIS up to three times the amount found or assessed, in accordance with 35 U.S.C. § 284.

54. At least Sony's willful infringement of the '148 patent renders this an exceptional case, justifying an award to ARRIS of its reasonable attorneys' fees, in accordance with 35 U.S.C. § 285.

55. ARRIS has no adequate remedy at law for Sony's acts of infringement. As a direct and proximate result of Sony's acts of infringement, ARRIS has suffered and continues to suffer damages and irreparable harm. Unless Sony's acts of infringement are enjoined by this Court, ARRIS will continue to be damaged and irreparably harmed.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 6,994,880

56. ARRIS hereby restates and re-alleges the allegations set forth in paragraphs 1 through 55 above as if fully set forth herein.

57. The '880 patent generally relates to methods for audio capture and transmission during television broadcasts, using a remote control with an integrated microphone and/or a set-top box for receiving audio information.

58. Sony infringes one or more claims of the '880 patent, either literally or under the doctrine of equivalents, including at least claims 1. Sony makes, uses, sells, offers to sell, and/or imports into the United States the Accused Sony PlayStations, which meet each and every limitation of at least claim 1, without ARRIS's license or authority. Non-limiting examples of such infringement are provided below, based on the information currently available to ARRIS.

59. Claim 1 of the '880 patent recites as follows:

1. A method for audio capture and communication comprising:

> generating an audio signal using a microphone integrated with a remote control for an interactive television system;
>
> transmitting the audio signal using a wireless transmitter integrated with the remote control;
>
> receiving the audio signal at a wireless receiver integrated with a first set top box for the interactive television system;
>
> recording the audio signal in a digital format within the first set top box;
>
> transmitting the recorded audio signal from the first set top box over a network to a second set top box; and

storing the audio signal within the second set top box device with other stored audio signals for later selective playback by a user.

60. The Accused Sony PlayStations satisfy each and every limitation of at least Claim 1. The Accused Sony PlayStations includes a voice chat mechanism for recording and sending voice recordings to other users.

61. The Accused PlayStations enable generating an audio signal using a microphone integrated with a remote control for an interactive television system. For example, the Accused Sony PlayStations are configured to be connected to a television and allow users to play games online in an interactive environment and/or use the PlayStation Vue service, comprising an interactive television system operable to receive input and provide interactive output to the users. The remote controller for the PlayStation 4 set-top box comes with an earpiece and microphone operable to be integrated with the remote controller and the combination being able to generate an audio signal responsive to user voice input.

62. The Accused Sony PlayStations enable transmitting the audio signal using a wireless transmitter integrated with the remote control. For example, Sony describes the PlayStation 4 remote control as a “DualShock®4 Wireless Controller”: “The DualShock®4 Wireless Controller for PlayStation®4 defines the next generation of play, combining revolutionary new features with intuitive, precision controls.” *See* https://www.playstation.com/en-us/explore/accessories/dualshock-4-wireless-controller-ps4/. No wires connect the PlayStation 4 remote control to the PlayStation 4 set-top box, Sony’s product information discloses that there is a wireless transmitter present in the remote control, and on information and belief the remote control use the wireless transmitter to transmit the audio signal captured with the integrated microphone to the PlayStation 4 set-top box.

63. The Accused Sony PlayStations enable receiving the audio signal at a wireless receiver integrated with a first set-top box for the interactive television system. For example, the Accused Sony PlayStations generate a display on a connected television to indicate that a wireless voice message has been received at the set-top box.

64. The Accused Sony PlayStations enable recording the audio signal in a digital format within the first set-top box. For example, the Accused Sony PlayStations records the audio signal in a digital format and after the message is sent the recorded audio information remains available in both volatile and nonvolatile digital storage.

65. The Accused Sony PlayStations enable transmitting the recorded audio signal from the first set-top box over a network to a second set-top box. For example, a user using a PlayStation connected to a wireless network can communicate with other PlayStation users by sending the recorded audio via the PlayStation Network servers.

66. The Accused Sony PlayStations enable storing the audio signal within the second set-top box device with other stored audio signals for later selective playback by a user. For example, the Accused Sony PlayStations can receive a "Wireless Voice Message" sent from another PlayStation user and store the message. Moreover, when the internet connection is turned off in the Accused Sony PlayStation's settings, the audio message is still available to the user, demonstrating that the audio message is stored in the Accused Sony PlayStation, either in non-volatile memory or volatile memory.

67. In view of the foregoing, Sony directly infringes at least claim 1 of the '880 patent by making, using, selling, offering for sale, and/or importing into the United States the Accused Sony PlayStations.

68. The Accused Sony PlayStations indirectly infringe at least claim 1 of the '880 patent, because Sony's manufacture, use, sale, offer for sale, and/or importation into the United States actively induces infringement within the United States. For example, Sony encourages, facilitates, instructs, aids and/or abets its customers and/or end users to use one or more of the Accused Sony PlayStations in an infringing manner. Sony's active inducement of infringement of at least claim 1, *e.g.*, actively and knowingly aiding and abetting persons and/or entities (including Sony's customers and/or end-users) through activities such as marketing the Accused Sony PlayStations and/or creating and/or distributing instruction materials on the use of the Accused Sony PlayStations, with the specific intent to induce others to use the Accused Sony PlayStations in an infringing manner.

69. The Accused Sony PlayStations also infringe at least claim 1 of the ’880 patent contributorily, because they are especially made or especially adapted for infringement thereof, and are not staple articles or commodities of commerce suitable for noninfringing use.

70. Sony has knowledge of the ’880 patent at least as of filing and/or service of the complaint. Since at least as early as the filing and/or service of this complaint, Sony’s infringement has been willful.

71. Despite Sony’s knowledge of and notice of the ’880 patent and its ongoing infringement, Sony continues to manufacture, use, sell, offer for sale, and/or import Accused Sony PlayStations. Sony lacks a justifiable belief that it does not infringe the ’880 patent, or that the ’880 patent is invalid, and has acted recklessly in its infringing activity, justifying an increase in the damages to be awarded ARRIS up to three times the amount found or assessed, in accordance with 35 U.S.C. § 284.

72. At least Sony’s willful infringement of the ’880 patent renders this an exceptional case, justifying an award to ARRIS of its reasonable attorneys’ fees, in accordance with 35 U.S.C. § 285.

73. ARRIS has no adequate remedy at law for Sony’s acts of infringement. As a direct and proximate result of Sony’s acts of infringement, ARRIS has suffered and continues to suffer damages and irreparable harm. Unless Sony’s acts of infringement are enjoined by this Court, ARRIS will continue to be damaged and irreparably harmed.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,752,564

74. ARRIS hereby restates and re-alleges the allegations set forth in paragraphs 1 through 73 above as if fully set forth herein.

75. The ’564 patent generally relates to a graphical user interface (“GUI”) that provides for navigation of visual cards using filters. In an exemplary embodiment, the GUI provides one or more filters on a first axis for filtering sequences of visual cards, where the filters may represent, for example, option types or category. In an exemplary embodiment, a user may select a particular filter to display a set of cards, from a particular category, along a second, perpendicular access, and

the user may alternatively select a different filter to display a different set of cards, from a different category, along the second axis.

76. Sony infringes one or more claims of the ’564 patent, either literally or under the doctrine of equivalents, including at least claims 1-6 and 8-22. Sony makes, uses, sells, offers to sell, and/or imports into the United States the Accused Sony TVs, which meet each and every limitation of at least claims 1-6 and 8-22 of the ’564 patent, without ARRIS’s license or authority. Non-limiting examples of such infringement are provided below, based on the information currently available to ARRIS.

77. On information and belief, the Accused Sony TVs satisfy each and every limitation of at least claims 1-6 and 8-22. An exemplary claim chart applying claim 1, 12, and 22 of the ’564 patent to an exemplary Accused Sony TV (filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit J and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony TVs infringes claims 1, 12, and 22.

78. In view of the foregoing, Sony directly infringes at least claims 1- 6 and 8-22 of the ’564 patent by making, using, selling, offering for sale, and/or importing into the United States the Accused Sony TVs (such as, *e.g.*, XBR43X800D).

79. The Accused Sony TVs indirectly infringe at least claims 1–6 and 8–22 of the ’564 patent, because Sony’s manufacture, use, sale, offer for sale, and/or importation into the United States actively induces the infringement by others, *e.g.*, Sony’s customers and/or end users. For example, Sony encourages, facilitates, instructs, aids and/or abets its customers and/or end users to use one or more of the Accused Sony TVs in an infringing manner. Sony’s active inducement of infringement of at least claims 1–6 and 8–22 of the ’564 patent includes, *e.g.*, actively and knowingly aiding and abetting persons and/or entities (including Sony’s customers and/or end-users) through activities such as marketing the Accused Sony TVs with the specific intent to induce others to use the claimed systems and methods within the United States. For example, Sony’s marketing material touts the benefits of using the Accused Sony TVs’ graphical user interface, and such use falls within the scope of at least claim 1–6 and 8–22 of the ’564 patent

80. The Accused Sony TVs also infringe at least claim 1–6 and 8–22 of the ’564 patent contributorily, because they are especially made or especially adapted for infringement thereof, and are not staple articles or commodities of commerce suitable for noninfringing use.

81. Sony has knowledge of the ’564 patent at least as of filing and/or service of this complaint. Since at least as early as the filing and/or service of this complaint, Sony’s infringement has been willful.

82. Despite Sony’s knowledge of and notice of the ’564 patent and its ongoing infringement, Sony has continued to manufacture, use, sell, offer for sale, and/or import the Accused Sony TVs in a manner that infringes the ’564 patent, and continues to produce and disseminate promotional and marketing materials, supporting materials, instructions, and/or technical information related to the infringing aspects of the Accused Sony TVs. Sony lacks a justifiable belief that it does not infringe the ’564 patent, or that the ’564 patent is invalid, and has acted recklessly in its infringing activity, justifying an increase in the damages to be awarded ARRIS up to three times the amount found or assessed, in accordance with 35 U.S.C. § 284.

83. At least Sony’s willful infringement of the ’564 patent renders this an exceptional case, justifying an award to ARRIS of its reasonable attorneys’ fees, in accordance with 35 U.S.C. § 285.

84. ARRIS has no adequate remedy at law for Sony’s acts of infringement. As a direct and proximate result of Sony’s acts of infringement, ARRIS has suffered and continues to suffer damages and irreparable harm. Unless Sony’s acts of infringement are enjoined by this Court, ARRIS will continue to be damaged and irreparably harmed.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 9,521,466

85. ARRIS hereby restates and re-alleges the allegations set forth in paragraphs 1 through 84 above as if fully set forth herein.

86. The ’466 patent generally describes methods and apparatuses for conserving resources associated with delivery of television content over a packet network. In one exemplary embodiment of the invention, resources are conserved by halting the delivery of television content, when it is determined that the viewer is no longer watching.

87. Sony infringes one or more claims of the ’466 patent, either literally or under the doctrine of equivalents, including at least claims 1-5, 7-8, 12, and 15-17. Sony makes, uses, sells, offers to sell, and/or imports into the United States the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players, which meet each and every limitation of at least claims 1-5, 7-8, 12, and 15-17 of the ’466 patent, without ARRIS’s license or authority. Non-limiting examples of such infringement are provided below, based on the information currently available to ARRIS.

88. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players satisfy each and every limitation of at least claims 1-5, 7-8, 12, and 15-17. An exemplary claim chart applying claims 1 and 15 of the ’466 patent to the Accused Sony Android TVs (filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit K and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony Android TVs infringes claims 1 and 15.

89. By way of further example, an exemplary claim chart applying claims 1 and 15 of the ’466 patent to the Accused Sony PlayStations, filed with the International Trade Commission substantially concurrently with this Complaint, is attached hereto as Exhibit L and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony PlayStations infringe claims 1 and 15.

90. By way of further example, an exemplary claim chart applying claims 1 and 15 of the ’466 patent to the Accused Sony DVD/Blu-Ray players (filed with the International Trade Commission substantially concurrently with this Complaint), attached hereto as Exhibit M and expressly incorporated by reference in its entirety herein, further shows how the Accused Sony DVD/Blu-Ray infringe claims 1 and 15.

91. In view of the foregoing, the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players infringe the ’466 patent both directly and indirectly. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players directly infringe at least claims 1-5, 7-8, 12, and 15-17 of the ’466 patent.

92. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players indirectly infringe at least claims 1-5, 7-8, 12, and 15-17 of the ’466 patent, because Sony’s manufacture, use, sale, offer for sale, and/or importation into the United States actively induces infringement within the United States. For example, Sony encourages, facilitates, instructs, aids and/or abets its customers and/or end users to use one or more of the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players with Sony’s PlayStation Vue service and/or a Netflix application in a manner that causes direct infringement. Sony’s active inducement of infringement of at least claims 1-5, 7-8, 12, and 15-17 of the ’466 patent includes, *e.g.*, actively and knowingly aiding and abetting persons and/or entities (including customers, end-users, service providers, distributors, and/or resellers) through activities such as marketing the Accused Products and/or creating and/or distributing instruction materials on the use of the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players, with the specific intent to induce others to use, sell, offer for sale the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players for use with Sony’s PlayStation Vue service and/or a Netflix application. For example, Sony’s marketing literature touts the benefits of using the Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players with the PlayStation Vue and/or a Netflix application, and such use falls within the scope of at least claims 1-5, 7-8, 12, and 15-17 of the ’466 patent.

93. The Accused Sony Android TVs, Accused Sony PlayStations, and Accused Sony Blu-Ray/DVD players also infringe at least claims 1-5, 7-8, 12, and 15-17 of the ’466 patent contributorily, because they are especially made or especially adapted for infringement thereof, and are not staple articles or commodities of commerce suitable for noninfringing use.

94. Sony has knowledge of the ’466 patent at least as of filing and/or service of the complaint. Since at least as early as the filing and/or service of this complaint, Sony’s infringement has been willful.

95. Despite Sony’s knowledge of and notice of the ’466 patent and its ongoing infringement, Sony continues to manufacture, use, sell, offer for sale, and/or import the Accused Sony Android TV, Accused Sony PlayStation, and Accused Sony DVD/Blu-Ray products in a

manner that infringes the ’466 patent, and continues to produce and disseminate promotional and marketing materials, supporting materials, instructions, and/or technical information related to the infringing aspects of Accused Sony Android TV, Accused Sony PlayStation, and Accused Sony DVD/Blu-Ray Products. Sony lacks a justifiable belief that it does not infringe the ’466 patent, or that the ’466 patent is invalid, and has acted recklessly in its infringing activity, justifying an increase in the damages to be awarded ARRIS up to three times the amount found or assessed, in accordance with 35 U.S.C. § 284.

96. At least Sony’s willful infringement of the ’466 patent renders this an exceptional case, justifying an award to ARRIS of its reasonable attorneys’ fees, in accordance with 35 U.S.C. § 285.

97. ARRIS has no adequate remedy at law for Sony’s acts of infringement. As a direct and proximate result of Sony’s acts of infringement, ARRIS has suffered and continues to suffer damages and irreparable harm. Unless Sony’s acts of infringement are enjoined by this Court, ARRIS will continue to be damaged and irreparably harmed.

DEMAND FOR JURY TRIAL

ARRIS respectfully requests a trial by jury of any and all issues on which trial by jury is available under applicable law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court:

a. A finding that Sony has directly infringed, induced others to infringe, and/or contributorily infringed the Patents-in-Suit;

b. An award of damages pursuant to 35 U.S.C. § 284 adequate to compensate ARRIS for Sony’s infringement of the Patents-in-Suit, including both pre- and post-judgment interest and costs as fixed by the Court;

c. A preliminary and/or permanent injunction against Sony and its officers, agents, servants, employees, and representatives, and all others in active concert or participation with them, from further infringing the Patents-in-Suit;

d. A finding that Sony's infringement of the Patents-in-Suit has been willful;

e. An increase in the damages to be awarded to ARRIS of three times the amount found by the jury or assessed by the Court;

f. A declaration that this is an exceptional case within the meaning of 35 U.S.C. § 285, and a corresponding award of ARRIS's reasonable attorneys' fees incurred in connection with the litigation; and

g. Any and all other relief to which this Court deems just and proper.

Respectfully submitted this 9th day of May, 2017.

FISH & RICHARDSON P.C.

By: */s/ Michael R. Headley*
Michael R. Headley

ATTORNEYS FOR PLAINTIFF
ARRIS ENTERPRISES LLC